

Docket No: 11-0252
Bench Date: 09/20/11
Deadline: N/A

M E M O R A N D U M

TO: The Commission

FROM: D. Ethan Kimbrel, Administrative Law Judge

DATE: September 12, 2011

SUBJECT: Northern Illinois Gas Company
Application for Waiver of 49 CFR Sections
192.53(c), 192.121, 192.123, and 192.619(a)

RECOMMENDATION: Grant Staff's motion for extension of time.

On May 31, 2011, Northern Illinois Gas Company d/b/a Nicor Gas Company ("Nicor Gas" or the "Company") filed an Amended Application for Waiver ("Application") with the Illinois Commerce Commission ("Commission") seeking an order granting Nicor Gas a waiver of 49 CFR Sections 192.53(c), 192.121, 192.123, and 192.619(a) to permit the installation and use of a non-metallic, composite, reinforced thermoplastic pipe ("RTP") manufactured by Smart Pipe® ("Smart Pipe®") for rehabilitation of up to four 6-inch diameter 230-psig steel intrastate gas distribution pipeline segments that cross underneath the Illinois River approximately one mile southeast of Ottawa, Illinois. As we found in our first Interim Order, the amended Application is reasonable and should be granted. However, the Commission also determined that, in the event that the Secretary of the United States Department of Transportation ("DOT") objects to the amended Application, it would be stayed. On September 6, 2011, Staff filed a Motion seeking an extension of time for the Pipeline and Hazardous Materials Safety Administration ("PHMSA") to file any objections it might have to the waiver sought. In support thereof, Staff stated that it had been advised by representatives of PHMSA that PHMSA would be unable to render any objection it had to the proposed waiver by September 8, 2011, and that PHMSA sought an extension of time to September 30, 2011.

PHMSA should be afforded the time necessary for a thorough review of the amended Application. Staff's motion should be granted.

DK:fs